

Remarks

Claims 12-17 and 19 remain pending and under review in the current patent application. Claims 1-11, 18 and 20-31 have been withdrawn as being drawn to a nonelected Group. Claim 15 has been amended and is fully supported by the specification, in particular claims 1-31, as originally filed.

Applicants respectfully request that the amendment be entered in its entirety. In view of the amendment and the following remarks, reconsideration and withdrawal of the rejection is respectfully requested. Applicants believe that the application is now in condition for allowance.

Rejection Under 35 U.S.C. § 103

The Office Action mailed October 14, 2005 rejected claims 12-17 and 19 under 35 U.S.C. § 103(a) as being obvious over Baker et al. (US Patent No. 5,441,955). This rejection is respectfully traversed.

The Office Action states that Baker et al. describes tryptanthrin compounds in combination with an adjuvant or with other antimicrobial agents, such as isoniazid, rifampin, pyrazinamide, ethambutol, rifabutin, streptomycin, and ciprofloxacin. The Office Action goes on to state that Baker et al. fails to disclose a specific combination of a tryptanthrin (compound no. 1001) and an adjuvant, but alleges that it would have been *prima facie* obvious to combine compound no. 1001 with an adjuvant.

Applicants respectfully point out that the current claims are drawn to pharmaceutical compositions comprising a tryptanthrin compound and an antigen. The tryptanthrin compounds of the present invention enhance an immune response to the antigen.

According to § 2142 of the M.P.E.P., the following three criteria must be met to establish a *prima facie* case of obviousness: (1) there must be motivation to modify the reference or combine teachings; (2) there must be a reasonable expectation of success; and (3) the reference (or combination thereof) must teach or suggest all the claim limitations. As noted above, Baker et al. does not teach or suggest pharmaceutical compositions comprising a tryptanthrin compound and an antigen. Assuming *arguendo* that it would have been obvious to combine compound no. 1001 with an adjuvant, Baker et al. still fails to teach or suggest the combination of a tryptanthrin compound with an antigen. Subsequently, a *prima facie* case of obviousness has not been met and the rejection should be withdrawn.

Conclusions

In view of the amendment and above remarks, it is respectfully submitted that all rejections and objections have been addressed and have been overcome. Early notice to this effect is solicited. The Examiner is cordially invited to telephone the undersigned at the number listed below if the Examiner believes such would be helpful in advancing the application to issuance.

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Respectfully Submitted,

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